

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES

v.

KINGSLEY R. CHIN,

Defendant.

No. 1:21-cr-10256-IT

**DEFENDANT’S REQUESTED
VOIR DIRE OF PROSPECTIVE JURORS**

Defendant Kingsley Chin respectfully requests, pursuant to Fed. R. Crim. P. 24(a), in an effort to obtain a fair and impartial jury, that this Court ask the following questions of the venire and permit follow-up with individual questioning where warranted based on prospective jurors’ answers.

1. The defendant is charged with making improper payments, or conspiring to make improper payments, to surgeons in exchange for the purchase of products from a company called SpineFrontier for services covered by Federal health care programs.

- a. Do you know any of the parties or witnesses in this case [read list]?
- b. Have you heard or read anything about this case? Where/when?
- c. Do you have any personal knowledge of the facts or charges in this case?
- d. Do you have any opinions about or reactions to the allegations that might make it difficult for you to be fair and impartial in this case?

2. Do you or does anyone close to you have medical training, for example, as a doctor, nurse, physician’s assistant, medical technician, or other type of healthcare employee?

3. Do you or does anyone close to you have training as an engineer or technician in the field of medical product design or manufacturing?

4. Have you or anyone close to you worked in a medical office, medical device or supply manufacturer/distributor, or pharmaceutical manufacturer/distributor?

5. Have you or anyone close to you worked in the field of medical device sales or pharmaceutical sales?

6. Do you have any opinions about surgeons or other types of healthcare providers or consultants that might make it difficult for you to be fair and impartial in this case?

7. Have you or anyone close to you had any experience with doctors or other healthcare providers or consultants that leads you to have a strong view about the credibility or lack of credibility of doctors?

8. Do you have any opinions about medical device or pharmaceutical manufacturers, distributors, salespeople, or sales practices that might make it difficult for you to be fair and impartial in a case involving the sale of medical products or use of healthcare consultants?

9. Do you have any opinions about the involvement of a private company in health care services or products that might make it difficult for you to be fair and impartial?

10. Do you have any opinions about the involvement of a private company in a startup phase in health care services or products that might make it difficult for you to be fair and impartial?

11. Do you have any opinions about patents related to healthcare products that could make it difficult for you to be fair and impartial in a case involving efforts to build a company that develops and protects technology and innovation?

12. Do you hold any strong opinions about the use of human cadavers, meaning dead bodies, in the context of medical research that could affect your ability to be fair and impartial for those who do so?

13. Have you or anyone close to you had any experience with salespeople that leads you to have a strong view about the credibility or lack of credibility of salespeople?

14. Have you or anyone close to you had spinal surgery or treatment?

15. Have you or anyone close to you had any surgery or other significant medical treatment that you believe was not performed the way it should have been or that caused any unexpected health problems?

16. Do you have any opinions or feelings about people of Jamaican, South Asian, Middle Eastern, or African American descent that might make it difficult for you to be fair and impartial in a case that involves a party or witnesses of different races or cultures?

17. Do you have any opinions or feelings about immigrants that might make it difficult for you to be fair and impartial in a case that involves a party or witnesses born outside of the United States?

18. During the past 10 years, have any of you served on a jury or been excluded from a jury? Was the case civil or criminal? Without saying the outcome, did the jury reach a verdict? Will you be able to put aside your prior jury experience as you sit in this case, ignore completely anything you learned about the law, and decide this case solely on the basis of the evidence that I admit during this trial and on the law as I instruct you in it?

19. Have you, or has anyone close to you, been a party to any court case, whether civil or criminal? If so, who (you or someone close to you) was the party to the case? Was the

person a plaintiff or a defendant? What was the nature of the case? Was it tried or settled? What was the outcome? Is there anything about that experience that causes you to be unsure about your ability to decide this case fairly and impartially, and only on the basis of the evidence I admit during this trial and the law as I instruct you on it?

20. Have any of you ever been a witness in state or federal court in any case, whether civil or criminal? For which side did you testify? What was the nature of the case? Is there anything about that experience that causes you to be unsure about your ability to decide this case fairly and impartially, and only on the basis of the evidence I admit during this trial and the law as I instruct you in it?

21. This case will likely involve testimony by certain law enforcement agents. Do you believe that you can impartially assess the testimony of law enforcement personnel, without giving testimony any more or less weight than any other witness based solely on status as law enforcement agents?

22. Have you, or has anyone close to you, attended law school or had other training in the law? If so, can you put aside whatever knowledge of the law you may have acquired before today, and will you promise to apply only those legal principles in which I instruct you to the evidence in this case?

23. Have you, or has anyone close to you, ever worked for any local, state, or federal law enforcement agency or prosecutor's office? If so, which agency? When? Where? What was the position?

24. Have any of you ever had any particular experience with the FBI, Department of Health and Human Services, the Center for Medicare and Medicaid Services, or US Attorney's

Office? What was the nature of that experience? Would it affect your ability to be fair and impartial in this case?

25. Have any of you, or has anyone close to you, ever been arrested or charged with a crime? If so, who was arrested or charged? Were you, or the person involved, prosecuted in a court of law? Was the case tried or settled? What was the outcome? How do you feel you, or the person involved, were treated, either by the police or anyone you or they dealt with afterwards?

26. It is the duty of a juror to listen to the opinions and points of view of other members of the jury. By the same token, it is also the duty of a juror to express opinions or points of view regarding the evidence to other members of the jury. Would you feel any reluctance in joining the discussion with the other members of the jury during deliberations? Would you feel offended if other members of the jury disagreed with your view of the evidence? Might you feel unable to listen to a fellow juror who disagreed with you?

27. Have any newspaper articles, books, television reports, or media coverage about crime affected you in a way which might make it difficult for you to decide this case solely upon the evidence produced during the trial?

28. An indictment is the formal way by which the government brings accusations against an individual before the court. It is not evidence of guilt. Nevertheless, do you have any opinions about the guilt or innocence of Dr. Chin based on the fact that he has been charged with crimes?

29. Dr. Chin is presumed innocent unless the government proves to each member of the jury that he is guilty beyond a reasonable doubt. Do you question or doubt your ability to accept the presumption of innocence? Do you question or doubt your ability to hold the

government to its burden of proof? Might you have some hesitation in finding Dr. Chin “not guilty” if you felt the government had probably proven its case but were not convinced beyond a reasonable doubt?

30. Dr. Chin has no obligation to prove his innocence. He is not required to testify or to call any witnesses. Nevertheless, do you think that a person who is not guilty should testify or should present witnesses to prove his innocence? Would you be skeptical about the innocence of a person who did not testify for himself?

31. Have you, or has anyone close to you, ever been a victim of or a witness to any crime? What was the crime? Do you think that experience might affect your ability to decide this case fairly and impartially?

Respectfully submitted,

KINGSLEY CHIN

By his attorneys,

/s/ Joshua Solomon
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Certificate of Service

The undersigned hereby certifies that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing on April 11, 2025.

/s/ Joshua L. Solomon